



RCE TMM

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 09/976,912
Filing Date May 14, 2002
First Named Inventor Michael O'Connor
Art Unit 2835
Examiner Name Vortman, Anatoly
Attorney Docket No. 042390.P3674R

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.)
 - Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - Other _____
- Enclosed
 - Amendment/Reply
 - Affidavit(s)/Declaration(s)
 - Information Disclosure Statement (IDS)
 - Other _____

2. **Miscellaneous**

- Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months.(Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
- Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.

- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
 - RCE fee required under 37 C.F.R. § 1.17(e)
 - Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
 - Other _____
- Check in the amount of \$ 790.00 enclosed
- Payment by credit card (Form PTO-2038 enclosed)
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) John P. Ward Registration No. (Attorney/Agent) 40,216
Signature

Date January 14, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) Patricia Richard
Signature

Date January 14, 2005

Express Mail No. (only if applicable): _____

1B. APPLICATION SIZE FEE

				<u>Extra Sheets</u>	<u>Fee from below</u>	<u>Fee paid</u>
Total Sheets _____ - 100 = _____				/50 = _____ * X \$250.00		_____
*(round up to integer)						
<u>Large Entity</u>	<u>Small Entity</u>					
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>		
1081	250	2081	125	Utility application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings)		
1082	250	2082	125	Design application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings)		
1083	250	2083	125	Plant application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings)		
1084	250	2084	125	Reissue application fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings)		
SUBTOTAL (2) \$ 0.00						

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

				<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims _____	- 20** = _____			X _____	= _____	
Independent Claims _____	- 3** = _____			X _____	= _____	
Multiple Dependent					= _____	
**Or number previously paid, if greater; For Reissues, see below.						
<u>Large Entity</u>	<u>Small Entity</u>	Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	<u>Fee Description</u>		
1202	50	2202	25	Claims in excess of 20		
1201	200	2201	100	Independent claims in excess of 3		
1203	360	2203	180	Multiple dependent claim, if not paid		
1204	200	2204	100	**Reissue independent claims over original patent		
1205	50	2205	25	**Reissue claims in excess of 20 and over original patent		
SUBTOTAL (3) \$ 0.00						

FEE CALCULATION (continued)

3. ADDITIONAL FEES

<u>Large Entity</u>		<u>Small Entity</u>			
Fee	Fee	Fee	Fee	<u>Fee Description</u>	<u>Fee Paid</u>
Code	(\$)	Code	(\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	_____
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	_____
1053	130	1053	130	Non-English specification	_____
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	_____
1813	8,800	1813	8,800	Request for inter parties reexamination	_____
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	_____
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	_____
1251	120	2251	60	Extension for reply within first month	_____
1252	450	2252	225	Extension for reply within second month	_____
1253	1,020	2253	510	Extension for reply within third month	_____
1254	1,590	2254	795	Extension for reply within fourth month	_____
1255	2,160	2255	1,080	Extension for reply within fifth month	_____
1401	500	2401	250	Notice of Appeal	_____
1402	500	2402	250	Filing a brief in support of an appeal	_____
1403	1,000	2403	500	Request for oral hearing	_____
1451	1,510	1451	1,510	Petition to institute a public use proceeding	_____
1452	500	2452	250	Petition to revive – unavoidable	_____
1453	1,500	2453	750	Petition to revive - unintentional	_____
1501	1,400	2501	700	Utility issue fee (or reissue)	_____
1502	800	2502	400	Design issue fee	_____
1503	1100	2503	550	Plant issue fee	_____
1464	130	1460	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	_____
1463	200	1460	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	_____
1462	400	1460	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	_____
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	_____
1806	180	1806	180	Submission of Information Disclosure Stmt	_____
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	_____
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
1814	130	2814	65	Statutory Disclaimer	_____
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
1801	790	2801	395	Request for Continued Examination (RCE)	790.00
1802	900	1802	900	Request for expedited examination of a design application	_____
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	_____
1505	300	1505	300	Publication fee for republication	_____
1803	130	1803	130	Request for voluntary publication or republication	_____
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	_____
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	_____

Other fee (specify) _____

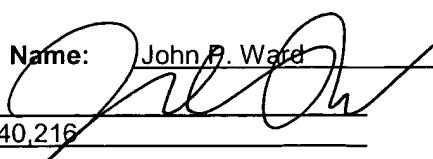
Other fee (specify) _____

SUBTOTAL (4) \$ 790.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: John P. Ward

Signature:  Date: January 14, 2005

Reg. Number: 40,216 Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450